



Austin City Council MINUTES

For AUGUST 27, 1987 (Meeting postponed to 3 P.M.)

Council Chambers, 307 West Second Street, Austin, Texas

Memorandum To:

Mayor Cooksey called to order the meeting of the Council, noting the presence of all Councilmembers.

CITIZEN COMMUNICATIONS

Speaking during Citizen Communications were Michael Hoove, limited purpose annexation of Wells Branch; T. Paul Robbins, STNP; Don Rettberg, Davis-Bacon Act Requirements.

REPORT

A report on Interim Planning for the Homeless was presented concerning implementation of the homeless task force program.

MINUTES APPROVED

The Council, on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Trevino's second, approved minutes for regular meeting of August 20, 1987 and special meetings of August 18 and 19, 1987. (4-0 Vote, Councilmembers Urdy, Nofziger and Humphrey out of the room.)

ITEM POSTPONED

Postponed to September 24, 1987 is consideration of second/third reading of the Development Processing Ordinance (13-1) and the Performance Overlay Ordinance.

ZONING ORDINANCE

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Humphrey's second, passed through second/third reading of ordinances amending Chapter 13-2A of the Austin City Code (Zoning Ordinance) to cover the following changes: (6-0 Vote, Councilmember Urdy out of the room)

8/27/87

- (1) AUSTIN CENTRE NORTH 8222 N. Lamar From "CS"
By Arvco Realty to "CS-1"
C14r-87-061

First reading June 25, 1987, (5-0). Mayor Frank C. Cooksey absent and Councilmember Charles E. Urdy out of room at roll call. Conditions have been met as follows: Development restricted to that shown on the site plan attached as an exhibit to the ordinance.

- (2) AUSTIN ORTHOPEDIC 1401 RR 620 South From "SF-2"
SURGERY ASSOCIATION to "LO"
DEFINED BENEFIT TRUST
By Gene Child Design
C14r-86-206

First reading on January 29, 1987, (6-0). Councilmember Smoot Carl-Mitchell absent. Conditions have been met as follows: Development restricted to that shown on the site plan attached to an exhibit to the ordinance. Restrictive Covenant incorporating conditions imposed by the Council has been executed. Access to RR 620 for neighboring property has been provided by Joint Access Easement.

- (3) FROSTEX FOODS, INC. 1100 Block of From "SF-3", "CS"
By Arthur Boone Springdale Road & "LI"
C814-87-004 to "FUD"

First reading on June 6, 1987, (7-0). Conditions have been met as follows: Restrictive Covenant incorporating conditions imposed by Council has been executed. Development restricted to that shown on the site plan attached as an exhibit to the ordinance. Right-of-way on Springdale Road as been conveyed by Street Deed. License agreement to permit parking and landscaping in right-of-way along Springdale Road to be considered. (Related to F-6.a)

SPEED ZONE MODIFICATIONS

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Humphrey's second, waived the requirement for three readings and finally passed an ordinance amending the Austin City Code to modify the following speed zone: (6-0 Vote, Councilmember Urdy out of the room)

Section 11-2-100(h) 65 mph

Add: Expressway Lanes of IH-35 from Mile Point 0.785
(south city limits) to Mile Point 4.289

ITEM POSTPONED

Postponed to September 24, 1987 is consideration of remaining proposed amendments to the Austin Metropolitan Area Roadway Plan.

CONSENT ORDINANCES

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, waived the requirement for three readings and finally passed the following ordinances in one consent motion: (7-0 Vote)

Operating Budget Amendment

Amended the 1986-87 Annual Operating Budget Amendment by:

- a. Accepting and appropriating \$12,090.00 from the Texas State Library for the month of September, 1987 to provide Interlibrary Loan service.
- b. Accepting \$61,619.00 from the Texas State Library for the month of September, 1987 to provide for the Central Texas Library System operation.
- c. Accepting \$2,462.00 from the Texas State Library for the month of September, 1987 to provide for the Central Texas Library System operation.

Commercial Service Zone

Adopted the proposed revisions modifying the definition of a Commercial Delivery Vehicle and granting authority to tow vehicles illegally parked in a Commercial Service Zone.

Release of Easement

Authorized release of the following easement:

- a. The Public Utility Easement retained at the vacation of the East 13th Street Alley, 300 Block, in Ordinance No. 730426-B and recorded in Volume 4670, Page 2224, of the Travis County Deed Records. (Request submitted by Mr. David L. Garbade, on behalf of the State of Texas, State Purchasing and General Services Commission).

Southern Union Gas Company Franchise

Passed FIRST READING ONLY of an ordinance amending Ordinance No. 860918-T granting a franchise to Southern Union Gas Company.

CONSENT RESOLUTIONS

The Council, on Councilmember Humphrey's motion, Councilmember Carl-Mitchell's second, adopted the following resolutions in one consent motion: (6-0 Vote, Mayor Pro Tem Trevino out of the room)

Release of Easements

Authorized release of the following easements:

- a. A portion of a 3' Public Utility Easement of record in Book 4, Page 46, Travis County Plat Records, and located on the West 10' of Lot 9 and Lot 10, Block 1, Brykerwood "C". (Request submitted by Lonnie Vantzle of Apple Realty)
- b. A portion of a 5' Public Utility Easement of record in Book 3, Page 223, Travis County Plat Records, located on Lots 3 and 4, Block 15, Pemberton Heights, Section 2 and 3, 1415 Westover. (Request submitted by Bill Thurman, Gracy Title Company, on behalf of Mr. and Mrs. Chesney G. Coker, Jr.)
- c. A Drainage Easement of record in Volume 868, Page 360, Travis County Real Property Records and located on Lot 26, Westfield Addition "A", 2410 Bridle Path on the west 75 feet of Lot 6, Block 15. (Request submitted by Mr. and Mrs. William Price)

Capital Improvements Program

Authorized the filing of Eminent Domain Proceedings to acquire:

- a. 0.0637 acres of land of right-of-way in fee simple out of Tract One (1), James M. Mitchell Survey No. 17, Abstract No. 521, in the City of Austin, Travis County and 0.4597 acres of land of right-of-way in fee simple out of Tract Two (2) James M. Mitchell Survey No. 17, Abstract 521 in the City of Austin, Travis County, Texas, owned by John Joseph for the Spricewood Springs Road Phase II Project. C.I.P. No. 73/62-31

Escrow Agreement

Approved an Escrow Agreement between the City of Austin and the State Department of Highways and Public Transportation providing for water encasement pipe installation associated with MoPac Extension Improvements, to provide space for future extension of a water transmission main, in the amount of approximately \$125,000.00. C.I.P. No. 83/22-20.

Contracts Approved

Approved the following contracts:

- | | |
|---|--|
| a. UNDERGROUND UTILITIES COMPANY
P. O. Box 790
Del Valle, Texas | - CAPITAL IMPROVEMENTS PROGRAM -
16" Wastewater Line from Johnson
Creek north along MoPac Right-of-
way to West 11th Street, Water and
Wastewater Department
\$245,881.00 C.I.P. No. 86/23-33 |
| b. UNITED TECHNOLOGIES CORPORATION
& Hamilton Standard
155 Schoephoester Road
Windsor Locks, Connecticut | - CAPITAL IMPROVEMENTS PROGRAM -
Gas Control Valves for the Pratt
& Whitney Gas Turbines at Decker
Power Plant, Electric Utility Dept.
Total \$51,000.00 C.I.P. No.
85/12-04 |

License Agreement

- a. To allow parking and landscaping within dedicated right-of-way, Lots 1 and 2, Caperton Addition and Outlot 41, Division "A", 3703-3709 Govalle Avenue and 1108 1/2 - 1110 1/2 Springdale Road. (Request submitted by William H. Bingham on behalf of Frostex Foods, Inc.) (Related to Item D-1.c(3))

LCRA Transmission Line

Authorized LCRA to relocate LCRA Transmission Line at Riverplace Substation at an estimated cost of \$42,320.00

Library Grants

Accepted and authorized the City Manager to execute contracts for the following grants from the Texas State Library for the grant periods September 1, 1987 through August 31, 1988.

- a. \$145,079.00 to provide Interlibrary Loan Service
- b. \$739,430.00 for the Central Texas Library System
Operation
- c. \$29,549.00 for the Central Texas Library System
Operation

Items Postponed

Postponed to September 3, 1987 is consideration of the following items:

- Consider approval of guidelines for the Economic Development Endowment Trust Fund.
- Consider taking a record vote on a proposal to increase the property tax rate by 8% over the effective rate calculated pursuant to the State Property Tax Code and calling a public hearing on the proposed tax increase: Wednesday, September 16, 1987

Public Hearing Set

Set a public hearing on the following:

a. Tips Warehouse. September 3, 1987 at 5:00 p.m.

CITY MANAGER REPORTS

Employee Placement Update was presented and a report for budget deliberations will be given next week.

Rodriguez Subdivision Report, Development Streamlining and Legislative Update reports were not given.

Jorge Carrasco, City Manager, reported on Letters of Credit.

CONTRACT APPROVED

The Council, on Councilmember Humphrey's motion, Mayor Pro Tem Trevino's second adopted a resolution approving the following contract: (6-0 Vote, Councilmember Carl-Mitchell out of the room)

COFFEE EQUIPMENT, INC.

P.O. Box 845

Buda, Texas

- CAPITAL IMPROVEMENTS PROGRAM -

Miscellaneous Drainage

Improvements No. 2, Group A,

Transportation and Public

Services Department

Total \$85,576.94 C.I.P. No. 85/60-03

WATER AND ENERGY CONSERVATION

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Shipman's second, adopted a resolution authorizing and approving a contract award for strategies to David M. Dornbusche & Co., Inc. to promote water and energy conservation businesses for a total amount of \$86,530.00. (6-1 Vote, Councilmember Nofziger voted No.)

LAKE CREEK DEVELOPMENT TRAFFIC PHASING

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, adopted a resolution authorizing execution of a traffic phasing agreement for the Lake Creek Development. (7-0 Vote)

COMPREHENSIVE WATERSHEDS ORDINANCE WAIVER

The Council, on Councilmember Shipman's motion, Councilmember Carl-Mitchell's second, waived the requirement for three readings and finally passed an ordinance granting a Comprehensive Watersheds Ordinance waiver extension to Bohls Ranch. (5-1 Vote, Mayor Cooksey voted No, Mayor Pro Tem Trevino out of the room)

AUSTIN 150 COMMISSION

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Humphrey's second, passed through FIRST READING ONLY of an ordinance creating the Austin 150 Commission. (7-0 Vote)

CHANGE ORDER

Postponed to September 3, 1987 is consideration of approval of the following Change Order:

- a. In the amount of \$1,160,540.00 to S.A. Healy Company for the Govalle Wastewater Service Area Interception and Diversion System. (4.69% increase of the original contract amount of \$24,755,000.00) C.I.P. No. 83/22-20

JOINT ELECTIONS

Councilmember Shipman introduced an item to Council to consider joint elections, including airport options, with Travis County for November 3, 1987 election.

Motion

The Council, on Councilmember Shipman's motion, Mayor Pro Tem Trevino's second, voted to move forward and have an election on November 3, 1987 concerning airport. Motion passed by 7-0 Vote.

Motion

The Council, on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Trevino's second, set a public hearing for September 17, 1987 at 6 p.m. on airport options and action on ballot items. (7-0 Vote)

PUBLIC HEARINGS - AMENDING THE WATER & WASTEWATER UTILITY SERVICE AREA ORDINANCE

Mayor Cooksey opened the public hearing set for 3:30 and 3:45 p.m. on:

1. Amending the Water and Wastewater Utility Service Area Ordinance (810820-B) to include MAB V Tract.
2. Amending the Water and Wastewater Utility Service Area Ordinance (810820-B) to include The Uplands.

John Joseph spoke to 1. representing the applicant. Jerry Harris spoke to 2. representing the applicant. Other speakers were Mr. Standerfer, Growth Management Department; Howard Kells, Oak Hill; Bob Leonard, Jack Goodman and Bert Cromack.

Motion

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, closed the public hearing and passed through FIRST READING only of an ordinance amending the Water and Wastewater Utility Service Area Ordinance (910820-B) to include MAB V Tract. (7-0 Vote)

Motion - DIED FOR LACK OF SECOND

Councilmember Carl-Mitchell made a motion to close the public hearing and pass through FIRST READIN ONLY an ordinance concerning The Uplands. There was no second to the motion.

Motion

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, passed through SECOND AND THIRD READING of the ordinance amending the Water and Wastewater Utility Service Area Ordinance (810820-B) to include MAB V Tract. (5-0 Vote, Councilmember Urdy and Mayor Pro Tem Trevino out of the room.)

Motion

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, passed through FIRST READING an ordinance amending the Water and Wastewater Utility Service Area Ordinance (810820-B) to include The Uplands. (7-0 Vote)

Motion

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, voted to reconsider the ordinance concerning the MAB V Tract. (7-0 Vote)

Motion

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, waived the requirement for three readings and finally passed an ordinance amending the Water and Wastewater Utility Service Area Ordinance (810820-B) to include MAB V Tract, subject to conditions. (7-0 Vote)

RECESS

Council recessed its meeting from 5:30 to 6:30 p.m.

EXECUTIVE SESSION CERTIFIED AGENDA

The Council, on Councilmember Shipman's motion, Councilmember Carl-Mitchell's second, approved providing for a certified agenda for executive session meetings. (7-0 Vote)

ITEM POSTPONED

Postponed to September 24, 1987 at 6:00 p.m. is consideration of abandoning certain Electric CIP Projects from one group and make them available for another group.

Another public hearing will be held.

PUBLIC HEARING POSTPONED

Postponed to September 17, 1987 is the public hearing on an appeal from Mr. Paul J. Burry II, P.E. Office of Land Development's decision regarding permit for 717 East 7th Street, No. 87-06-4952. The time is 4:00 p.m.

AFFORDABLE HOUSE DESIGN PROJECT

The Council, on Councilmember Shipman's motion, Councilmember Nofziger's second, adopted a resolution to implement Option 2 of the Affordable House Design Project and related fund appropriation. (5-0 Vote, Councilmembers Carl-Mitchell and Humphrey out of the room)

STREET VACATIONS

Mayor Cooksey opened the public hearing set for 4:30 p.m. to consider vacating the following: West Annie Alley, 1100 Block. (Request submitted by Mr. Dana Copp and the City of Austin)

No one appeared to be heard.

Motion

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance vacating West Annie Alley, 1100 Block. (7-0 Vote)

Postponed to September 3, 1987 at 4:30 p.m. was consideration of vacating a portion of the EAST SEVENTH (7TH) STREET RIGHT-OF-WAY, 2700 Block. (Request submitted by Mario Rocha)

Mayor Cooksey opened the public hearing set for 4:30 p.m. on vacation of a portion of Shelby Lane right-of-way. (Request submitted by Larry D. O'Neal, Real Estate Division, Transportation and Public Service Department, on behalf of George G. Lowrance)

No one appeared to be heard.

Motion

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Humphrey's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance vacating a portion of Shelby Lane right-of-way. (7-0 Vote)

ZONING HEARINGS

Mayor Cooksey announced Council would hear the following zoning cases. Council heard, closed the public hearings, passed ordinances where applicable, and postponed if necessary. Disposition of cases follows each listing.

a. Recommended by the Planning Commission, As Requested:

(1)	-87	VICTORIA	2121 East Oltorf	From "GR"
	116	INVESTMENT CO.	2300 Douglas	To "CS-1"
		By Tom Curtis		RECOMMENDED

EMERGENCY PASSAGE OF ORDINANCE

(2)	r-87	JAMES AUTHOR	6319 N. IH-35	From "CS"
	117	HARPER		To "CS-1"
		By Fred Robinson		RECOMMENDED
				<u>FIRST READING</u>
(3)	-84	JOE SEIDERS,	5700 to 6112	From "I-SF-3"
	381	ET AL	Springdale Road	To Tr. 1 "SF-6"
				Tr. 2 "LO"
				RECOMMENDED
				<u>FIRST READING</u>
(4)	r-87	CITY OF AUSTIN	13000 Bonaventure	From "I-RR" & "DR"
	073	WATER AND	Drive	To "P"
	p-87	WASTEWATER DEPT.	APPLICANT VOLUNTEERED	RECOMMENDED
	010	By Urban Design	PAINTING LARGE WATER	<u>FIRST READING</u>
		Group, Inc.	TOWER AN ATTRACTIVE	
			COLOR	

b. Recommended by the Planning Commission, With Conditions:

(5)	-85	WILLIS SEIDERS,	5708 Springdale	From "I-SF-3"
	175	ET AL	Road	To Tr. 1 "NO"
				Tr. 2 "LO"
				Tr. 3 "LR"
				<u>FIRST READING</u>

RECOMMENDED (as amended) subject to the following conditions:
 35 ft. of right-of-way from centerline of Rogge Lane. Following uses excluded for Tract 3: service stations, restaurants (limited) and fuel pumps. No structure at or near the set-back line on Rogge Lane shall front on Rogge Lane. One curb cut at least 250 ft. east of the west boundary of the "LR" tract (Tract 3). Building materials for Tract 1 are to be compatible in appearance with similarly zoned properties nearby, such as duplexes on Rogge Lane, west of Reicher Drive.

(6)	-87	VIEWPOINT JOINT	4515-4707 Nuckols	From "SF-2" & "DR"
	093	VENTURE	Crossing Road	To "SF-3"
		By Charles Dunn	5200-5800 Viewpoint	<u>FIRST READING</u>
			Drive	

RECOMMENDED subject to no access to Nuckols Crossing, Viewpoint Drive, and East St. Elmo from lots with alternative access.

- (7) -87 HARDAGE 7685 Northcross From "GR"
111 ENTERPRISES Drive To "CS-1"
By Jones & Neuse, FIRST READING
Inc.

RECOMMENDED subject to the following condition: Use of the area zoned "CS-1" shall be limited to a hotel cocktail lounge, which operates as an accessory use as defined in Section 13-2A-533(a)1-3.

On Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, 7-0 Vote.

c. NO Recommendation from the Planning Commission: (NOT A QUORUM VOTE)

- (8) -87 DORIS HEIN 115 Sandra Street From "SF-3"
119 By Greg Griffin To "LO"
NO RECOMMENDATION
FIRST READING

(On Councilmember Shipman's motion, Mayor Pro Tem Trevino's second, 7-0 Vote)

- (9) -87 INSURANCE COMPANY 1612 Cedar Bend From "SF-1"
109 OF AMERICA Drive To "SF-6"
By Conley NO RECOMMENDATION
Engineering FIRST READING

LIMITED TO FOUR UNITS
PER ACRE

(On Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, 7-0 Vote)

d. NOT Recommended by the Planning Commission; Alternate Recommendation:

- (10) -85 AARON & STELLA 7411 and 7501 Old From "I-SF-2" & "I-RR"
288. GARDNER Bee Caves Road To Tr. 1 "SF-6"
97 FRANCIS J. SZAL Tr. 2 "SF-6"
"RR" (floodplain)
NOT RECOMMENDED

POSTPONED TO 9/24/87 AT 4:00 P.M.

e. NOT Recommended by the Planning Commission:

(11)	-87	JOHN T. DWYER,	1203 West 44th	From "SF-3"
	115	III	Street	To "NO"
		By Helen Gentry		NOT RECOMMENDED

POSTPONED TO 9/24/87 AT 4 P.M.

(On Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, 7-0 Vote)

(12)	h-83	BRYDSON HOUSE	1605 East 1st	From "CS-H"
	031	By Bill Ashbaugh	Street	To "CS"
				NOT RECOMMENDED
				NO ACTION

UPHELD PLANNING COMMISSION RECOMMENDATION, HISTORIC ZONING NOT RESCINDED.

(On Councilmember Shipman's motion, Councilmember Carl-Mitchell's second, 7-0 Vote)

f. Heard by the Planning Commission August 25, 1987: (Recommendation to follow)

(13)	-85	JOE SEIDERS	3324-3403 & 3418	From "SF-3"
	208		Rogge Lane	To "SF-2"
				<u>FIRST READING</u>
(14)	-87	CITY OF AUSTIN	1500 West Riverside	From "SF-3"
	074	PARKS AND		To "P"
		RECREATION DEPT.		<u>FIRST READING</u>
		By Lisa Podd		
(15)	-87	CITY OF AUSTIN	7000 Ardath	From "SF-2"
	075	PARKS AND		To "P"
		RECREATION DEPT.		<u>FIRST READING</u>
		By Stuart Strong		
(16)	-87	CITY OF AUSTIN	3427 Parker Lane	From "SF-3"
	076	PARKS AND		To "P"
		RECREATION DEPT.		<u>FIRST READING</u>
		By Stuart Strong		
(17)	-87	CITY OF AUSTIN	6900 Block Onion	From "SF-3"
	077	PARKS AND	Creek Drive	To "P"
		RECREATION DEPT.		<u>FIRST READING</u>
		By Stuart Strong		

2. HILL COUNTRY ROADWAY SITE PLAN

a. Recommended by the Planning Commission, As Requested:

(1) p-87	AUSTIN COUNTRY	4408 Long Camp	Addition to Austin
016	CLUB		Country Club
	By Thurman Breed		Existing Zoning: "LA"
			RECOMMENDED

APPROVED

(On Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, 7-0 Vote)

NO ACTION TAKEN ON ITEM

No action was taken on consideration of options relating to the operation of the Ullrich Water Treatment Plant.

ADJOURNMENT

Council adjourned its meeting at 8:20 p.m.